THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19356 OF 2005

DATED: 09.09.2005

Between:

C.Narsimha Reddy

… PETITIONER

AND

The Warangal District Cooperative Central Bank Limited,

Rep. By its General Manager, Subedari, Hanamkonda and another

… RESPONDENTS

ORDER:

The petitioner is working as a Branch Manager in the 1st respondent-Bank. Disciplinary proceedings were initiated against him on certain allegations and he was placed under suspension. Departmental enquiry was conducted and the Enquiry Officer submitted a report holding that the charges levelled against the petitioner are proved. Thereupon, the 2nd respondent issued a show cause notice, dated 24.05.2005, directing the petitioner to show cause as to why the punishment indicated therein shall not be inflicted upon him. The petitioner filed W.P.No.11940 of 2005 before this Court stating that even before he was given an opportunity to point out as to how the findings recorded by the Enquiry Officer are not sustainable, the 2nd respondent made up his mind and proposed to inflict the punishment. The writ petition was allowed through order, dated 08.06.2005, and the show cause notice was directed to be treated as the one inviting explanation.

Thereafter, the petitioner submitted his explanation on 18.07.2005. On a consideration of the same, the 2nd respondent took the view that the findings recorded by the Enquiry Officer deserve to be accepted. Consequently, he issued a show cause notice, dated 24.08.2005, and the same is challenged in this writ petition.

Sri S.Lakshma Reddy, the learned counsel for the petitioner submits that except reproducing the findings recorded by the Enquiry Officer, and making a casual reference to the explanation submitted by the petitioner, the 2nd respondent did not apply his mind at all in holding that the findings deserve to be accepted. He further contends that the lack of application of mind is evident from the fact that though a substantial portion of the amount of Rs.49,23,000/- was already recovered, the 2nd respondent came to the conclusion that the

petitioner is liable to make good the entire amount. He made certain other submissions also.

Sri Nageswar Sree, the learned counsel for the respondents, on the other hand, submits that it is impermissible to interfere with a show cause notice in a writ petition filed under Article 226 of the Constitution of India. He further contends that the exceptional grounds, such as lack of jurisdiction and violation of principles of natural justice, were not urged, much less established.

The challenge in this writ petition is to the show cause notice. It is only in rare cases that Courts interfere with the show cause notice. The submissions made on behalf of the petitioner are in relation to the facts. Even where a second view is possible on the same set of facts, it does not constitute the ground for interference. The petitioner would be at liberty to point out the defects, if any, whether in relation to the findings of the Enquiry Officer or the acceptance of the same by the 2nd respondent or as to the quantum and nature of the proposed punishment. It is only when an order is passed imposing punishment upon the petitioner, that he can be said to have suffered any grievance. Therefore, this Court is not inclined to interfere with the show cause notice.

For the foregoing reasons, the writ petition is dismissed, leaving it open to the petitioner to submit his explanation and to work out his remedies, in case his contentions touching on facts and law in the proceedings are not appreciated in the proper perspective. There shall be no order as to costs.

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09.09.2005

Jsu